

**TOWN OF ALTON  
ALTON PLANNING BOARD  
Public Hearing and Regular Meeting**

**January 19, 2010  
APPROVED 3/2/2010**

**Members Present:** Timothy Roy, Acting Chair  
Scott Williams, Clerk  
David Hussey, Board of Selectmen Representative  
David Collier, Alternate

**Others Present:** Sharon Penney, Town Planner  
Stacey Ames, Planning Assistant  
Members of the Public

**I. CALL TO ORDER**

T. Roy called the meeting to order at 6:00 p. m.

**II. APPOINTMENT OF ALTERNATES**

T. Roy appointed David Collier as a member for this meeting.

**III. APPROVAL OF AGENDA**

**S. Williams made a motion to accept the agenda as presented. D. Hussey seconded the motion, which passed by unanimous vote.**

**IV. PUBLIC INPUT**

T. Roy opened the floor for case non-specific public input. As this is a public hearing, public input remained open for the duration of the public hearing.

**V. PROPOSED ZONING AMENDMENTS**

**Amendment #4:** The Planning Board proposes to amend Article 400 Section 463:A;2; Restrictions Governing Use to amend “Duplexes and Multi-family dwellings must have a minimum of one acre per unit” and amend it to read “Duplexes and Multi-family dwelling structures must have a minimum of one acre per dwelling unit with no more than five (5) dwelling units per dwelling structure to comply with the July 2009 implementation of Workforce Housing Act RSA 674:58-61, Chapter 299 (SB342),” and to remove the language “~~and no more than one duplex or multi-family dwelling per lot~~”. And to include the examples:

**Example:**

**1 dwelling structure with up to 5 dwelling units requires a minimum of 5 acres (excluding steep slopes, wetlands, and roadways).**

**Multi-family:**

**15 acre parcel=3 dwelling structures with up to 5 dwelling units each totaling 15 dwelling units.**

**100 acre parcel=20 dwelling structures with up to 5 dwelling units each totaling 100 dwelling units.**

**Duplex:**

**9 acre parcel=4 dwelling structures with 2 dwelling units each totaling 8 dwelling units.**

**10 acre parcel=5 dwelling structures with 2 dwelling units each totaling 10 dwelling units.**

**Rationale: The purpose of this amendment is to strengthen and clarify the existing language of the ordinance.**

There were no comments or questions concerning Amendment #4.

**Amendment #7:** The Planning Board proposes to amend Article 200 Definitions, to amend the definition “Dwelling Unit: One room or group of rooms, constituting a separate independent housekeeping establishment for owner occupancy, rental, or lease; located within a dwelling structure and physically separated from any other dwelling unit which may be in the same dwelling structure, forming a single habitable dwelling unit with facilities used or intended to be used by a single family for living, sleeping, cooking, and eating.” **Rationale: To clarify the difference between a dwelling structure and a dwelling unit.**

There were no comments or questions concerning Amendment #7.

**Amendment #8:** The Planning Board proposes to amend Article 200 Definitions, to include a definition “Dwelling Structure: any enclosed space wholly or partly; which may contain one or more dwelling units; used or intended to be used for living, sleeping, cooking, and eating.” **Rationale: To clarify the difference between a dwelling structure and a dwelling unit.**

There were no comments or questions concerning Amendment #8.

**S. Williams made a motion to place Amendment #4, Amendment #7, and Amendment #8 on the March, 2010, warrant as submitted and read. Motion was seconded by D. Hussey, and passed by unanimous vote of the Board.**

**VI. NEW APPLICATIONS**

<b>Case #P10-02 Foulkes Corp.</b>	<b>Map 3, Lot 19</b>	<b>Site Plan Prospect Mountain Road</b>
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*Application submitted by Downs Rachlin Martin PLLC on behalf of applicant Foulkes Corp. to propose an AT&T Antenna Co-location on an existing tower on Prospect Mountain. This parcel is located in the Rural zone.*

Sheila Grace, an attorney with Downs Rachlin Martin, is here on behalf of AT&T to seek site plan approval of a wireless communications facility on and adjacent to the existing communications tower located at Prospect Mountain Road, Map 3, Lot 18. That tower is owned by Foulkes Corporation and managed by Global Tower Partners.

The tower has been in existence since roughly 1997 and is presently used by multiple communications providers. In February, 2009, Global Tower Partners and AT&T sought to increase the tower by ten feet for a total height of 130 feet, and were informed by town officials that they could proceed without Planning Board approval. The town issued a building permit for the project. Subsequent to the installation and operation, in early December of 2009, the town reconsidered the prior determination and asked AT&T to submit a site plan amendment application in order to ultimately obtain a corrected building permit. That is what she is here to do.

S. Penney stated a correction to the record. The building permit application went directly to the Building Department. The code official at the time took it upon himself to issue a building permit. This particular application was never brought to the attention of the Planning Department or the Planning Board, so unbeknownst to the applicant they were circumventing site application process through absolutely no fault of their own. When the interim Building Inspector, Mr. Devers, went to give them a Certificate of Occupancy in December, he caught the error. Subsequently they have been working with the attorneys and the principals to rectify this. This is essentially an as-built site plan review or a retroactive site plan review because the facility is in place a Certificate of Occupancy has been issued. They are just, at the Planning Board's discretion, trying to catch up on the paperwork.

D. Hussey asked if there had been an actual building permit issued; S. Penney stated that it is in the packet, in the addendums under Tab C.

T. Roy asked if the ten foot height increase includes the whip on top. S. Penney answered that it doesn't, but it was her understanding that the whips were there before. T. Roy clarified that the overall height increase is ten feet. D. Hussey added that this does not include the whip, as the whip was existing. The height increase is exclusive of the whip. Ms. Grace stated that it will have the same whips that are presently there. S. Penney pointed out that the zoning does not specifically speak to auxiliary whips; they do not have the same visual impact. The whips are going to be taken off, the new section put on, and the whips will be put back on. They are just looking for an additional ten feet, which meets the zoning.

S. Williams brought up a point from the October 7, 1996 decision is lighting; the tower is not to be lit. He imagines that is intended to be in the general area. The fire department has had several calls up there because in foggy conditions people think there is a fire because the sodium vapor lights cause an orangey glow. He would like to see those lights shielded completely so they are complete down-lighting on the footpath area. There should not be any 360 degree lighting. Also, the gate is to be locked; since this has been done he would like to see the applicant provide a Knox Box on the gate. The fire department would have a key, and the Town of Alton would have its own key for the box system. The gate key could be put inside of it. That way, if they need to, they can have access. He recalled one night one of the poles broke off and they had a thirty acre brush fire up there on all the blueberries. They would like to have better access because

sometimes the gate lock gets changed without them knowing about it and they get there and are unable to do anything. Ms. Grace asked who she should have someone talk to. S. Williams answered that someone should talk to the Fire Chief. S. Williams will give an application for the Knox Box; it is not very expensive and that will make emergency access easier.

D. Hussey asked if the tower is anchored by guy wires; now that the tower has gone up an extra ten feet, they will have to extend the length on the guy wires. The length by width ratio may not be right. S. Penney pointed out the schematic showing those being moved. S. Williams pointed out that this is on Page C1 of the plans. S. Penney also pointed out that Tab E, S2, shows the new guy elevations at 125 feet. D. Hussey asked if the anchor needed to go out any farther. S. Penney stated that it didn't go farther, but it did go higher.

S. Williams asked if the waivers had been approved on the original. S. Penney said there were some waivers on the original that are similar. There are no additional ones.

D. Hussey asked Ms. Grace to check on the guy wires; he knows there are different weights. He thinks they are using a 10m strand, and for that height they should be using a 25m strand. This refers to the size of the guy wire. He is asking that she check to make sure that what they have on the plan is adequate for the increased height. He asked Ms. Grace to also check whether the bottom anchor should be kicked out another ten feet. Ms. Grace will get information to S. Penney concerning his questions.

T. Roy opened public input for this case. There was none; public input was closed.

S. Penney asked if there would be changes to the existing signage; Ms. Grace did not believe so, but she will confirm that. S. Penney also stated that in the narrative the applicant refers to appendix G, which addresses radio frequency. Appendix G has not yet been submitted to the Planning Department. Ms. Grace said she would get this to the Planning Department. S. Penney reiterated S. Williams' point about the lighting, as the town is advocating for the Dark Skies legislation.

S. Penney asked if there is a fall zone easement in place outside of their location. She knows they are in compliance in terms of the diameter. She read from an ordinance which states that the fall zone may cross property lines as long as the applicant secures a fall zone easement from the affected property owner. T. Roy stated that they have consolidated lots 18 and 19, so it will not go outside the property. The consolidation of the two lots has been confirmed. S. Penney presumes that the lease is continuing; there are three opportunities in five year increments mentioned in the deed. It goes forward to 2016; then it is the company's prerogative to carry forward. Repeaters used by various town departments will stay.

T. Roy asked about screening due to the changes in the structure. After discussion, it was decided that the requirement for screening is being waived due to a lack of "grow-able" soil.

**S. Williams made a motion to approve the application for Case P10-02, Foulkes Corporation, with the following conditions:**

- 1. The applicant shall comply with all of the Town of Alton's Subdivision and Site Plan Regulations.**
- 2. A copy of any necessary Federal, State, and/or local permits shall be received by the Planning Department and the permit numbers shall be added in a note on the plat prior to plan signing.**
- 3. A note shall be added to the plat prior to plan signing stating the total acreage of each Current Use Category for each lot where applicable.**
- 4. For multi-page plans, the following note shall be added to the plat prior to plan signing: This subdivision plan contains a total of five sheets, which in its entirety constitutes the subdivision plan as approved by the Town of Alton Planning Board. Sheets numbered T-1 through A-3 are on file at the Town of Alton Planning Department.**
- 5. For conditional approvals, the following note shall be added to the plat prior to plan signing: This subdivision plan is subject to the Conditions of Approval itemized in the (insert date) Notice of Decision on file at the Town of Alton Planning Department.**
- 6. The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.**
- 7. The existing lights are to be shielded completely so as not to be viewed from a horizontal view.**
- 8. A Knox Box is to be placed on the gate with keys provided to the fire department as well as the Town of Alton.**
- 9. The waivers included will be 7.2.9, Survey Accuracy; 7.2.11, Certification of Surveyor; 7.2.17, Utility Poles; 7.2.22, Existing Easements; 7.2.23, Natural and Cultural Features; 7.2.24, Soils; 7.2.25, Standard Lot; 7.2.26, Existing and Future Improvements; 7.2.27, Elevations. It is presumed that these waivers are based on the non-applicability to the amended site plan since the changes do not concern any ground impacts. Waiver request on 7.2.27 however shows only numeric elevations existing on the plan, set, and cover sheet, but no contours on this plan or the original site plan.**
- 10. The guy wire strand size is to be verified as correct.**

**D. Hussey seconded the motion, which passed by unanimous vote.**

S. Williams asked Ms. Grace about her experience with the Planning Department. She stated that it was wonderful.

## **VII. OLD BUSINESS**

There was none.

## **VIII. NEW BUSINESS**

S. Penney stated that they have a request from Dean Clark, the agent for a proposed subdivision for the Whitney's. Mr. Clark brought something in before that was not suitable as an application; he did withdraw it, however the fees have been submitted. Abutter notices have gone out. He is going to be resubmitting for the February meeting, and is requesting that the Board allow the original subdivision lot fees to be carried forward. The original plan showed a lot line adjustment that was incorrect; it was also very busy and hard to read. The Planning Department did no work with the original application. After discussion it was decided that only the application fee can be carried forward; noticing fees and abutter fees will have to be paid again.

**S. Williams made a motion to allow the subdivision fees only to carry forward. D. Hussey seconded the motion, which passed by unanimous vote.**

## **IX. APPROVAL OF MINUTES**

Minutes from a September workshop were handed out to the members. These minutes had never been corrected or approved. Members will look them over for the next meeting.

January 4, 2010

On this and all future minutes, David Hussey should be listed as the Selectmen's Representative.

In all places where it appears in these minutes, Lou Lacourse should be shown as Lou LaCourse.

**S. Williams made a motion to accept the January 4, 2010, minutes as amended. D. Hussey seconded the motion which passed by unanimous vote of the Board.**

January 5, 2010 –

On this and all future minutes, David Hussey should be listed as the Selectmen's Representative.

In all places where it appears in these minutes, Lou Lacourse should be shown as Lou LaCourse.

Page 5, paragraph 3, "He is not accusing the Board or the Planning Department of not providing ample public notice" should be "...Planning Department of not providing..."

Page 6, paragraph 3, "Right now, the way they have it, they are going to go into the Recreational zone," should be "...they are going to go into the Recreational Service zone."

Page 7 – fourth full paragraph, "What they are really trying to do now is to get all of them grooved into one thing so they know a structure is a building that can have multiple units or one unit," should be "...all of them grooved into one thing..."

Same page and paragraph – “The unit is inhabitable,” should be “The unit is habitable.”

Anywhere throughout these minutes, reference to S. Glines or R. Glines should be Mr. Glines.

Page 9, paragraph 2, “Once you make it commercial, it’s going to be much more difficult to regulate something beyond what happens in that commercial” should be ...beyond what happens in that commercial zone.”

Page 13, paragraph 1, “...aesthetics and preserving this, is a commercially smart thing to do because that’s what makes this area attractive,” should be ...it is a commercially smart thing to do...”

Same page and paragraph, “The businesses are primarily, and not to speak against people who have year-round businesses, are summer, tourist oriented business,” should be “The businesses are primarily seasonal, and not to speak against people who have year-round businesses, they are summer, tourist oriented businesses.”

Page 13, paragraph 3, “P. Monziona said it is the beginning of a process; once it’s begun it is sometimes hard to undo,” should be ...it is the beginning of a process...”

**S. Williams made a motion to accept the January 5, 2010 minutes as amended. D. Hussey seconded the motion, which passed by unanimous vote.**

January 7, 2010

“The Planning Board is conducting meetings this spring, hopefully with a lot of public participation, help plan possible commercial location,” should be “...participation, to help plan possible commercial locations.”

“Should they do different light zones,” should be “Should they do different light commercial zones?”

**S. Williams made a motion to accept the minutes of January 7, 2010, as amended. D. Hussey seconded the motion, which passed by unanimous vote.**

## **X. CORRESPONDENCE**

S. Williams spoke with W. Curtin, who has spoken to Bruce Holmes. B. Holmes is not going to run for his Planning Board seat next year; W. Curtin has asked him if he would like to stay on as an alternate. D. Collier could run for the open seat; B. Holmes thought that would be a good idea. The filing period begins January 20, 2010 and runs through January 29, 2010.

## **XI. OTHER BUSINESS**

S. Williams brought up the Planner Review of this evening’s case. The sideline and rear setbacks on the lot should be ten feet, not twenty. This is a pre-??? (whatever year that was changed) lot. S. Penney will make the correction. S. Williams went on to say that she is going to have to check these for when the lot was made.

S. Williams also said that in his personal opinion, issues that were protracted with the Building Inspector probably don't belong in a Planner Review. S. Penney stated that it is there because it speaks to why this case came in the way it did. S. Williams pointed out that this (the Planner Review) is a public document, and he does not think it is in the best interest. T. Roy added that maybe referring to the incident once is okay, but it is referred to multiple times. S. Penney stated that she does see that, but when she did this review, she was going along chronologically to explain what happened. Hopefully they will not be encountering many more of these. S. Williams went on to say that even if there is a lack of interface, personalities clash every day. S. Penney explained that this had come out of nowhere and caught everyone by surprise.

## **VIII. ADJOURNMENT**

**D. Hussey made a motion to adjourn seconded by S. Williams and passed by unanimous vote of the Board.**

Meeting adjourned at 6:55 p.m.

Respectfully submitted,

Mary L. Tetreau  
Recorder, Public Hearing and Regular Meeting